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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DANNIE RAY HILLHOUSE,

12 Petitioner,

13 vs.

14 KEVIN CHAPPELL,

15 Respondent.
16 _____/

No. CIV S-03-0142-MCE-CMK

DEATH PENALTY CASE

ORDER

17 Petitioner, a state prisoner proceeding with appointed counsel, seeks a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is Petitioner's motion to
19 expand the record, (Doc. 2330), currently set for hearing on August 29, 2012. The court also has
20 pending before it budget issues which are currently unresolved. As a result of those budgeting
21 issues, the petitioner has been unable to file a reply to respondent's response to the motion.

22 The court finds it appropriate to sua sponte reset the hearing on the motion to
23 expand to October 9, 2012, at 1:30 p.m. Petitioner's reply deadline is extended accordingly.

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1 In addition, pursuant to Federal Rule of Civil Procedure 25(d), Kevin Chappell,
2 acting warden of California State Prison at San Quentin, is hereby substituted for his predecessor.
3 The Clerk of the Court is directed to update the docket to reflect the above caption.

4 IT IS SO ORDERED.

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6 DATED: August 23, 2012

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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